

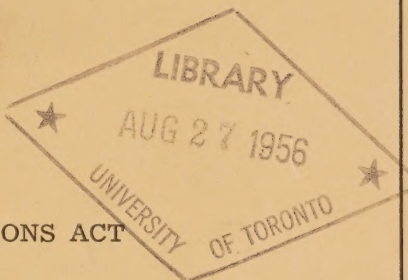
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CANADA



CANADA ELECTIONS ACT

# INSTRUCTIONS

FOR

# REVISING OFFICERS

APPLICABLE ONLY TO A GENERAL ELECTION


BOOK H

(Published by the Chief Electoral Officer)

January 1, 1956

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1956

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## INSTRUCTIONS FOR REVISING OFFICERS

(Marginal references are to the Sections of the Canada Elections Act, and to the Rules of Schedule A to Section seventeen thereof)

### 1. INTRODUCTORY

1. Nature and Use of Instructions.—The order of the paragraphs in these Instructions follows roughly the chronological order in which the various duties are to be performed by revising officers, and every step in the procedure prescribed in the *Canada Elections Act* is intended to be covered. Some revising officers will prefer to determine their duties by a reading of the statutory provisions, but at least a few of them may find this statement of a revising officer's duties useful and an economy of time. Many of the details dealt with in these Instructions are not covered by the statutory provisions and fall properly within the Chief Electoral Officer's powers to give instructions. The marginal notes permit a ready reference to the statutory provisions and these should be referred to on any doubtful point. The responsibilities of substitute revising officers are mentioned in the Statute but, in a sense, they are also responsible to the *ex officio* Revising Officer by whom they are appointed and to whom they will submit their accounts for services and expenses. These accounts will be paid by separate cheque sent to each revising officer from Ottawa, but no remittances will be made except on accounts certified by the *ex officio* Revising Officer. Revising officers must send all other documents relating to the revision to the returning officer for the applicable electoral district with whom they should keep continuously in touch during the period of the revision. All inquiries as to the payment of accounts should be addressed to the Chief Electoral Officer to whom must also be sent any report required under the Statute relating to the padding of lists, etc., by urban enumerators. Revising officers who have any suggestions to make with regard to any errors in, or omissions from, these Instructions, or any suggestions for the improvement of the revision procedure by amendment to the Act, or otherwise, may forward them to the Chief Electoral Officer. Following this paragraph will be found the Diary of Duties of revising officers, the convenience of which may be enhanced if the dates of the month upon which the various duties are to be performed are inserted in the left hand column. The hours of the day mentioned in these Instructions relate to standard time. As in the case of other qualified electors, substitute revising officers are entitled to vote at a general election.

Scope of Instructions, etc.

Sec. 5 (a).

Rule 19.

Rule 18.

Sec. 60 (3) (b).

Rule 12.

Sec. 2 (14).

## 2. DIARY OF DUTIES OF REVISING OFFICERS

**NOTE.**—The sittings for the revision of the preliminary lists of electors for urban polling divisions will ordinarily be held on Thursday, Friday, and Saturday, the 18th, 17th, and 16th days before polling day, and, subject to Rule (36) of Schedule A to section 17 of the Act and paragraph 27 of these Instructions, on Tuesday, the 13th day before polling day.

Dates of the month	Paragraph of Instructions	Duties	Check when done
		<b>I. ON APPOINTMENT:</b>	
	6	1. If not a judge, swear oath (Form 13).....	
	5	2. See that a duplicate of the appointment and oath (Forms 12, 13) is transmitted to the returning officer.	
	1	3. Insert in this Diary the dates of the month upon which the various duties are to be performed.	
	5, 7	4. Co-operate with returning officer in settling contents of Notice of Revision (Form 14).	
	7	5. Receive necessary supplies from returning officer.	
	7	6. Check these against List of Supplies No. Four printed at page 25.	
	7	7. Examine the name, address, and occupation of each elector on the printed preliminary lists.	
	7	8. Report to returning officer all mistakes found during such examination.	
	8	9. Make arrangements for clerical assistance.....	
	25	10. Distribute forms of Affidavit of Objection (Forms 15, 16) to interested persons.	
	23	11. Distribute forms of application by agent (Forms 17, 18) to interested persons.	
		<b>II. ON THURSDAY, THE 18th DAY BEFORE POLLING DAY:</b>	
	9	1. Before 10 a.m. post up 5 copies of Notice of Revision.	
	11	2. Sitting for revision at 10 a.m. (standard time)....	
	12	3. Admit representatives of political interests.....	
	13-24	4. Proceed with revision of preliminary lists.....	
	21 (2)	5. Enter in record sheets (Form 83) each application, as it is made, and its disposal.	
	25	6. Receive Affidavits of Objection (Form 15).....	
	25	7. See that these affidavits are properly completed and sworn.	
	26	8. Complete Notices of Objection (Form 16) and send copies of them to persons objected to.	
	25	9. Retain one copy of these affidavits and notices.	



## DIARY OF DUTIES OF REVISING OFFICERS—Con.

Dates of the month	Para-graph of Instruc-tions	Duties	Check when done
		<b>II. ON THURSDAY, THE 18th DAY BEFORE POLLING DAY:—Conc.</b>	
21 (2), 25	10.	Enter in record sheets (Form 83) the name and particulars of every person objected to.	
11	11.	Continue sitting for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of. (Evening Sitting)	
11	12.	Sit continuously in revisal office from 7 to 10 p.m. (standard time).	
	13.	Proceed as directed in Items 3 to 10 hereof.....	
		<b>III. ON FRIDAY, THE 17th DAY BEFORE POLLING DAY:</b>	
9	1.	Before 10 a.m. see that 5 copies of Notice of Revision are duly posted up.	
11	2.	Sitting for revision at 10 a.m. (standard time)....	
12	3.	Admit representatives of political interests.....	
13-24	4.	Proceed with revision of preliminary lists.....	
21 (2)	5.	Enter in record sheets (Form 83) each application, as it is made, and its disposal.	
25	6.	Receive Affidavits of Objection (Form 15).....	
25	7.	See that these affidavits are properly completed and sworn.	
26	8.	Complete Notices of Objection (Form 16) and send copies of them to persons objected to.	
25	9.	Retain one copy of these affidavits and notices.	
21 (2), 25	10.	Enter in record sheets (Form 83) the name and particulars of every person objected to.	
11	11.	Continue sitting for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of. (Evening Sitting)	
11	12.	Sit continuously in revisal office from 7 to 10 p.m. (standard time).	
	13.	Proceed as directed in Items 3 to 10 hereof.....	
		<b>IV. ON SATURDAY, THE 16th DAY BEFORE POLLING DAY:</b>	
9	1.	Before 10 a.m. see that 5 copies of Notice of Revision are duly posted up.	
11	2.	Sitting for revision at 10 a.m. (standard time)....	

## DIARY OF DUTIES OF REVISING OFFICERS—Con.

Dates of the month	Para-graph of Instruc-tions	Duties	Check when done
		IV. ON SATURDAY, THE 16th DAY BEFORE POLLING DAY: — Conc.	
12		3. Admit representatives of political interests.....	
13-24		4. Proceed with revision of preliminary lists.....	
21 (2)		5. Enter in record sheets (Form 83) each appli- cation, as it is made, and its disposal.	
11		6. Continue sitting for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.  (Evening Sitting)	
11		7. Sit continuously in revisal office from 7 to 10 p.m. (standard time).	
		8. Proceed as directed in Items 3 to 5 hereof.....	
		V. ON TUESDAY, THE 13th DAY BEFORE POLLING DAY:	
9		1. Before 10 a.m. see that 5 copies of Notice of Revision are duly posted up.	
11		2. Sitting for revision at 10 a.m. (standard time)....	
12		3. Admit representatives of political interests.....	
27		4. Deal with Affidavits of Objection (Form 15).....	
21 (2), 27		5. Insert note as to decision in appropriate column of record sheets (Form 83).	
11		6. Continue sitting for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.  (Evening Sitting)	
11		7. Sit continuously in revisal office from 7 to 10 p.m. (standard time).	
		8. Proceed as directed in Items 3 to 5 hereof.....	
		VI. AT THE LATEST ON THURSDAY, THE 11th DAY BEFORE POLLING DAY:	
29, 30		1. Deliver or transmit to returning officer, in enve- lope (Form 110), two copies of the statement of changes and additions (Form 19 or 112) for each polling division and all other necessary docu- ments.	
29, 30		2. Deliver or transmit, in envelope (Form 110), five copies of the statement of changes and additions (Form 19 or 112) for each polling division to each candidate officially nominated in the electoral district.	



## DIARY OF DUTIES OF REVISING OFFICERS—Conc.

Dates of the month	Para-graph of Instruc-tions	Duties	Check when done
		VI. AT THE LATEST ON THURSDAY, THE 11th DAY BEFORE POLLING DAY: — Conc.	
	31	3. Send account (Form 117) to <i>ex officio</i> Revising Officer for certification.	
	31	4. Make sure that this account is then sent to the Chief Electoral Officer.	
	32	5. Send report <i>re</i> padding of lists, etc., if any, to Chief Electoral Officer.	

## 3. GENERAL INSTRUCTIONS

2. **Revisal Districts and Revisal Offices.**—The returning officer will, when so instructed by the Chief Electoral Officer, group the urban polling divisions of his electoral district into revisal districts, each containing not more than the maximum number of urban polling divisions that the Chief Electoral Officer may direct. In each revisal district, the returning officer will secure suitable premises to be used as a revisal office during the sittings for revision.

Grouping of polling divisions, etc.

Rule 20.

Rule 21.

3. ***Ex Officio* Revising Officer.**—For each electoral district the *ex officio* Revising Officer is the judge as defined in section 2(15) of the Act. He may or may not himself undertake the revision of the preliminary lists for any revisal district since he has power to appoint such substitute revising officers as he sees fit.

*Ex officio* Revising Officer.

Rule 18.

4. **Arrangement for Revision.**—As soon as possible after the issue of the writs ordering the general election, the returning officer will send to the *ex officio* Revising Officer a copy of the General Election Instructions for Returning Officers (Book A36) and a copy of these Instructions for Revising Officers (Book H). The returning officer will ascertain from the *ex officio* Revising Officer for what revisal district, if any, he will himself revise the preliminary lists, and for what revisal districts, if any, he will appoint substitute revising officers. If necessary, the returning officer will thereupon send to the *ex officio* Revising Officer the required number of copies of the form of appointment and oath of the substitutes (Forms 12, 13).

Preparatory steps.

Rule 18.

5. **Appointment of Substitute Revising Officers.**—For any revisal district that the *ex officio* Revising Officer will not himself revise the preliminary lists, he will appoint a substitute revising officer. Generally, the selection of substitutes from among members of the bar is likely to result in the most satisfactory conduct of the revision. The *ex officio* Revising Officer or the substitute will send to the returning officer a duplicate of the appointment and oath (Forms 12, 13) as soon as it has been completed. The returning officer will be informed of the

Mode of appointment of substitutes.

Rule 18.



names and addresses of the appointees and of the number or name of the revisal district for which each is to act. Every substitute revising officer must be qualified as an elector in the electoral district within which he is to act; moreover, the provisions of section 100(1) of the Act should be taken into account before any such appointment is made. In the case of each small city, town, or other place, which has been laid out as a separate revisal district, the substitute revising officer should be an ordinary resident of such city, town, or other place.

Oaths of  
office.

Rule 18.

**6. Oaths of Office of Substitutes.**—An *ex officio* Revising Officer is not, as such, required to take an oath of office, but each substitute revising officer, not being a judge, must, before commencing to discharge his functions, make oath to perform his duties faithfully, on the form of oath (Form 13) which is attached to the form of appointment (Form 12). The oath of office of a substitute revising officer may be sworn before the judge of any court, the returning officer for the applicable electoral district, or a commissioner for taking affidavits in the province.

#### 4. PRELIMINARY TO SITTINGS

Publication  
of Notice,  
supplies, etc.

Rule 23.

Rule 25.

**7. Notice of Revision, Supplies, etc.**—The *ex officio* and substitute revising officers will co-operate with the returning officer in settling the contents of the Notice of Revision (Form 14) which the returning officer is required to have printed not later than Thursday, the 25th day before polling day. The arrangements for the posting up of this Notice in the various polling divisions comprised in each revisal district will be made by the returning officer. The revising officer will receive from the returning officer the necessary supplies and three copies of the printed preliminary lists for the polling divisions comprised in the revisal district which has been assigned to him. As soon as the Notice of Revision has been printed, the returning officer will send twenty copies thereof to each revising officer with the forms mentioned in List of Supplies No. Four printed at page 25. Upon receipt of these supplies, the revising officer will check them carefully, and if there is any deficiency, the returning officer will be promptly notified. One of the first steps to be taken by the revising officer is to make a careful examination of the name, address, and occupation of each elector appearing on the printed preliminary lists for the polling divisions under his jurisdiction and to report to the returning officer any mistake discovered during such examination. In an electoral district in which more than one revisal district is established, each revising officer will be furnished by the returning officer with a complete set of the printed preliminary lists for the urban polling divisions comprised in any other revisal district established in such electoral district.

Clerical  
assistants.

**8. Clerical Assistants.**—A revising officer is not likely to require clerical assistance during all his sittings for revision but he will need such assistance towards the end of his sittings to prepare the required number of copies of the statements of

changes and additions, and perhaps for other revision duties. The allowance to which the revising officer is entitled for such clerical assistance depends on the number of candidates officially nominated in the electoral district and on the number of polling divisions comprised in his revisal district. If only two candidates are officially nominated in the electoral district, an allowance of \$1.25 for clerical assistance will be granted for each polling division comprised in the revisal district; if three candidates are officially nominated, the allowance will be \$1.50; if four candidates are officially nominated, the allowance will be \$1.75; if five candidates are officially nominated, the allowance will be \$2; and if six or more candidates are officially nominated, the allowance will be \$2.25. The revising officer will be guided accordingly when making his claim for clerical assistance, inserting in his account (Form 117), in the space provided for that purpose, the amount to which he is entitled.

**9. Posting up of Notices by Revising Officers.**—On the day upon which the sittings for revision begin, the revising officer will, before 10 a.m. (standard time), post up at least 5 copies of the Notice of Revision at the entrance and in the immediate neighbourhood of the revisal office, and such copies will be replaced as required during each of the sittings for revision.

Posting up of Notices by revising officer.

Rule 24.  
Sec. 102 (2).

## 5. REVISING OFFICER'S SITTINGS

**10. Sittings for Revision.**—The sittings for the revision of the preliminary lists will be held on Thursday, Friday, and Saturday, the 18th, 17th, and 16th days before polling day, and, subject to Rule (36) of Schedule A to section 17 of the Act and paragraph 27 of these Instructions, on Tuesday, the 13th day before polling day, provided that it has not been deemed advisable to postpone the revision on account of one of those days falling on a holiday.

Days of sittings.

Rule 26.

**11. Length of Sittings.**—The revising officer's sittings will commence at ten o'clock (standard time) in the morning of each of the days upon which the sittings are to be held and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of. Moreover, the revising officer will sit continuously at his revisal office between the hours of seven and ten o'clock (standard time) in the evening of each of such days.

Hours of sittings.

Rule 26.

**12. Conduct of Sittings Generally.**—There is no secrecy to be observed in relation to the sittings for revision, such as there is in relation to the taking of the votes. On the contrary, revising officers are required to permit the presence in the revisal office of two representatives of each recognized political interest in the electoral district, and these representatives should be given every facility consistent with the proper conduct of the revision, all being of course treated alike. If the accommodation available allows, there is no reason why the attendance of any other interested person should not be permitted. No one present, whether representing any political interest or not, has

Attendance of political representatives, etc.

Rule 38.

any right to take part or intervene in the proceedings, except with the permission of the revising officer, and anyone who creates a disturbance may be requested to leave; if he refuses, he may be removed.

## 6. PROCEDURE AT SITTINGS

Powers of  
revising  
officer.

Rule 19.

**13. Procedure at Sittings.**—Each revising officer, whether *ex officio* or substitute, has all the powers which would be exercisable by the *ex officio* Revising Officer while sitting in court and may regulate the procedure to be followed before him as he sees fit. Every application to add a name to the official list of electors should be accepted only when the evidence is such as to establish the qualification of the elector concerned. Before striking out a name from the preliminary list, the revising officer should satisfy himself that a *prima facie* case has been established by the elector who has subscribed to the Affidavit of Objection or by the testimony adduced before the revising officer.

Classes of  
applications.

Rule 27.

**14. Classes of Applications.**—There are four classes of cases when changes in the preliminary lists may be made by the revising officer, namely:

- (a) personal applications made verbally, without previous notices, by electors whose names were omitted from the preliminary lists, pursuant to Rule (32) of Schedule A to section 17 of the Act and paragraph 22 of these Instructions;
- (b) sworn applications made by agents, on Forms 17, 18, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) of Schedule A to section 17 of the Act and paragraph 23 of these Instructions;
- (c) verbal applications made, without previous notices, for the correction of names or particulars of electors appearing on the preliminary lists, pursuant to Rule (35) of Schedule A to section 17 of the Act and paragraph 24 of these Instructions; and
- (d) objections made on affidavits, in Form 15, before the revising officer to the retention of names on the preliminary lists, of which the revising officer has given notice to the persons concerned in Form 16, pursuant to Rules (28) and (29) of Schedule A to section 17 of the Act and paragraphs 25 to 27 of these Instructions.

## 7. QUALIFICATIONS AND DISQUALIFICATIONS OF ELECTORS

General  
rule as to  
quali-  
fications  
of electors.

Sec. 14 (1).

**15. Qualifications.**—(1) The general rule as to the qualifications of electors at a general election, which is subject to certain exceptions specified in paragraphs 16 to 20 of these Instructions, is that every person in Canada, man or woman, is entitled to have his or her name included in the list of electors



for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering the election, and is entitled to vote in such polling division, if he or she

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;
- (b) is a Canadian citizen or other British subject; and
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election.

(2) A person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors for the polling division in which he ordinarily resides and is entitled to vote at the general election in such polling division, if such person is otherwise qualified as an elector.

Qualification  
of veteran  
under 21  
years of age.  
Sec. 14 (3).

(3) A woman who is the wife of an Indian, as defined in clause (c) of paragraph 16 of these Instructions, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors for the polling division in which she ordinarily resides and is entitled to vote at the general election in such polling division, if such a woman is otherwise qualified as an elector.

Qualification  
of wife of  
Indian  
veteran.  
Sec. 14 (4).

(4) Every person, man or woman, irrespective of age, who

- (a) was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950;
- (b) was discharged from such Forces; and
- (c) is receiving treatment or domiciliary care in any hospital or institution at the request or on behalf of the Department of Veterans Affairs, in which hospital or institution, on the date of the issue of the writs ordering the general election, less than twenty-five of such persons, as determined by the said Department, are receiving such treatment or care;

Qualifi-  
cations of  
veterans in  
certain  
hospitals  
or institu-  
tions.  
Sec. 14 (5).

is entitled to have his or her name included in the list of electors for the polling division in which such hospital or institution is situated, and is entitled to vote at the general election in such polling division, if such person is otherwise qualified as an elector.

**16. Disqualifications.**—There are certain classes of persons who, although qualified as electors under the general rule referred to in subparagraph (1) of paragraph 15 of these Instructions, are not entitled to be registered as electors nor to vote at a

Disqualified  
persons.  
Sec. 14 (2).

general election; thus no person is entitled to be registered as an elector or to vote who

- |  |   |
|--|---|
| Returning officer.<br>Sec. 14 (2)<br>(c).  | (a) is the returning officer for the electoral district, except when there is an equality of votes on the official addition or on a recount, as provided in the Statute;  |
| Judge.<br>Sec. 14 (2)<br>(d).  | (b) is a judge appointed by the Governor in Council;  |
| Indian.<br>Sec. 14 (2)<br>(e).   | (c) except in the case of a person mentioned in subparagraph (3) of paragraph 15 of these Instructions, is an Indian, as defined in the <i>Indian Act</i> , ordinarily resident on a reserve,* unless, <ul style="list-style-type: none"> <li>(i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or</li> <li>(ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the <i>Indian Act</i> from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;</li> </ul> |
| (According to the definition given in the <i>Indian Act</i> , the term "Indian" means a person who is registered as an Indian or is entitled to be registered as an Indian.) |   |
| Inmate of penal institution.<br>Sec. 14 (2)<br>(f).  | (d) is undergoing punishment as an inmate in any penal institution for the commission of an offence;  |
| Mental disease.<br>Sec. 14 (2)<br>(g).   | (e) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease;   |
| Election offences.<br>Sec. 14 (2)<br>(h).  | (f) is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices;**  |
| Summer resident.<br><br>Sec. 16 (9).   | (g) is occupying residential quarters that are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless he has no residential quarters in any other electoral district to which, at the date of the issue of the writs ordering the general election, he might at will remove;   |
| Inmate of lodgings, hostels, refuges, etc.<br><br>Sec. 16 (14).  | (h) is staying in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in such lodgings, hostels, refuges or similar institutions, for at least ten days immediately preceding the date of the issue of the writ ordering the election;   |

\* If an Indian does not reside on a reserve, his right to vote is to be determined in the same manner as any other person who is not an Indian.

\*\* Disqualification by reason of illegal or corrupt practices need not concern the revising officer unless he happens to know that the person in question has been convicted of an offence in connection with an election and disqualified from voting by the Court.

- (i) has come to the electoral district for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the election; Person temporarily engaged in a public work.  
Sec. 16 (12).
- (j) is the wife or dependant of a person mentioned in the preceding clause (i) who has come to the electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, unless such wife or dependant has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of the writ ordering the election; and Wife or dependant of person temporarily engaged in a public work.  
Sec. 16 (13).
- (k) is employed for pay or reward on behalf of a candidate in connection with the general election in the electoral district in which such person would otherwise be entitled to vote.\* Paid election worker.  
Sec. 15.

## 8. ORDINARY RESIDENCE OF ELECTORS

**17. What does "ordinarily resident" mean generally.**— Definition of ordinary residence.  
Sec. 16 (1-6).  
There is often difficulty in determining where a person can fairly be said to be "ordinarily resident" at any given time or during any given period. In deciding whether a person has been ordinarily resident in Canada for the twelve months immediately preceding polling day, or whether he was ordinarily resident in the polling division on the date of the issue of the writ ordering the election, the revising officer will be guided by the provisions of section 16 of the Act. A person may in general be said to be ordinarily resident at the place where he sleeps, but this may not be so if there is some other place which is his real place of ordinary residence or home, for instance, an establishment which he permanently maintains as his residential quarters or at which his wife or children ordinarily reside or, in the case of a young man or woman, with his or her parents. For the purpose of his qualification as an elector, everyone is entitled to be treated as ordinarily resident at his home even during the time he is absent therefrom for any temporary purpose, though if he has no real home or if, in spite of his having one, he makes his residential quarters elsewhere for any substantial length of time, he is entitled to be treated as an ordinary resident of the place where his temporary residential quarters are. In reaching a decision in any given case, the revising officer must be guided by his best judgment on all the relevant facts.

\* The disqualification by reason of employment for pay or reward in effect applies to any person employed on behalf of a candidate in connection with the general election in the electoral district in which such person would otherwise be entitled to vote, unless such person comes under the exceptions mentioned in section 15 of the Act.



Special  
rules.

**18. Residence in Special Cases.**—There are special rules which affect the residential qualifications of certain classes of persons, which may be stated as follows:

Clergyman.

Sec. 16  
(7) (a).

(1) In the interval between the issue of the writs ordering the general election and polling day, a clergyman is transferred from a church in an electoral district to a church in another and accordingly moves to a new home near the new church. In these circumstances, the clergyman is, by virtue of a special statutory provision, qualified as an elector in the polling division in which the new church is situated. Any adult member of the clergyman's household can vote only in the electoral district from which the move was made. The clergyman may go back to his former electoral district to vote, since the special rule which applies to him does not deprive him of the qualification that he had in that electoral district, but confers an alternative qualification in the new electoral district. Of course, the clergyman is not entitled to vote in both electoral districts.

Teacher.

Sec. 16  
(7) (b).

(2) In the interval between the issue of the writs ordering the general election and polling day, a teacher employed at a school in an electoral district makes a contract with an appropriate educational authority to teach at a school situated in another electoral district. The teacher is qualified as an elector in either electoral district, in the old electoral district under the general rule as to qualifications and in the new electoral district under the special right conferred upon certain teachers. However, the teacher is not entitled to vote in both electoral districts. Any adult member of his household can vote only in the electoral district in which the first school is situated.

Student.

Sec. 16 (8).

(3) A person who, on the date of the issue of the writs ordering the general election, is duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides, is, if otherwise qualified as an elector, entitled to have his name included in the list of electors for the polling division in which he ordinarily resides and for the polling division in which he resides while attending such educational institution and is entitled to vote in either one of such polling divisions as he may elect. Of course, the student is entitled to vote only in one polling division.

Continuous  
residence  
of electors.

Sec. 16 (6).

(4) Excepting the various classes of electors referred to in the three next preceding subparagraphs, every person is deemed to continue until polling day to ordinarily reside in the polling division in which he was ordinarily resident on the date of the issue of the writs ordering the general election, and no actual change of residence during the intervening period deprives him of his right to vote in such polling division or entitles him to vote in another polling division.

Residence  
qualifi-  
cations  
of temporary  
workers.

(5) Except as provided in clause (i) of paragraph 16 of these Instructions, a person is deemed to be ordinarily resident, on the date of the issue of the writs ordering the general election, in a polling division in which he is temporarily residing while

temporarily employed in the pursuit of his ordinary gainful occupation, and is, if otherwise qualified as an elector, entitled to have his name included in the list of electors for such polling division and is entitled to vote therein at the general election, notwithstanding that he has a place of ordinary residence in another polling division. Such person is not, however, entitled to vote at the general election in the polling division in which his temporary residence is situated unless on polling day he is still temporarily residing in such polling division while temporarily employed in the pursuit of his ordinary gainful occupation.

Sec. 16 (10).

(6) In an ordinary (acute) hospital, the average stay of patients being ten days, the revising officer should bear in mind that such patients are not entitled to have their names included in the list of electors for the polling division in which such hospital is situated. Therefore, in an ordinary hospital, except as provided in subparagraph (4) of paragraph 15 of these Instructions, the only persons who are entitled to have their names included in the list of electors for the polling division in which such hospital is situated and who are entitled to vote at the general election in such polling division, are the permanent patients or inmates and the members of the permanent staff who are ordinarily and continuously residing in such hospital, if such persons are otherwise qualified as electors.

Patients, etc., in ordinary hospitals.

(7) Except as provided in subparagraph (4) of paragraph 15 of these Instructions, a person is deemed to be ordinarily resident, on the date of the issue of the writ ordering the election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ; therefore, such person is entitled to have his name included in the list of electors for the polling division in which such sanatorium, chronic hospital, or similar institution is situated and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

Persons residing in a sanatorium, etc.

Sec. 16 (15).

(8) No hard and fast rules can be applied to an unmarried teacher who keeps continuously in touch with the home of her parents during the period she is teaching school in another electoral district. For instance, take the case of an unmarried teacher whose parents' home is in the City of St. Thomas, but who teaches school in the City of Oshawa; if such a teacher spends most of her holidays at her parents' home, and, in addition, returns thereto at every other opportunity, she can reasonably maintain that she has not ceased to ordinarily reside with her parents. Therefore, there should be no objection raised to such a teacher being registered on the list of electors for the polling division of the City of St. Thomas where the home of her parents is situated, and to her voting in such polling division, if she is otherwise qualified as an elector. On the other hand, such a teacher can also reasonably maintain that she is ordinarily residing in the polling division of the City of Oshawa where her

Residence qualifications of unmarried teachers.



place of residence while teaching school is situated. Therefore, there should be no objection raised to such a teacher being registered on the list of electors for the polling division of the City of Oshawa where the place of her residence while teaching school is situated, and to her voting in such polling division. Thus, it appears that a teacher in such circumstances, in addition to the special privilege referred to in subparagraph (2) of this paragraph, has what may be termed a dual ordinary residence, and she can elect whether she will vote in the polling division in which the place of her residence while teaching school is situated or in the polling division in which the home of her parents is located. Such a teacher is not, of course, entitled to vote in both polling divisions. What is stated above might appear to apply only to female unmarried teachers, but it applies equally to unmarried teachers of the opposite sex.

Wives or dependants of members of the Canadian Forces.

(9) A person who is the wife or dependant of a member of the Canadian Forces, is deemed to be ordinarily resident on the date of the issue of the writs ordering the general election in the polling division in which such person is occupying residential quarters during the course and as a result of the services performed by such member in such Forces. Such person (wife or dependant) is, if otherwise qualified as an elector, entitled to have his or her name included in the list of electors for such polling division and is entitled to vote therein at the general election.

Sec. 16 (11).

Residence of members of the Canadian Forces.

19. **Members of the Canadian Forces.**—The Statute prescribes that a Canadian Forces elector is deemed to continue to ordinarily reside in the polling division in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of *The Canadian Forces Voting Regulations* and as recorded in the headquarters of the Canadian Forces.\* Therefore, such person is entitled to have his name included in the list of electors for such polling division in connection with the general election, no matter how long he may have been absent from such polling division while on service in the Canadian Forces.

Sec. 16 (5).

Veteran electors in certain hospitals or institutions.

20. **Veteran Electors.**—A veteran elector, who, in other words, is a person who is a discharged member of His Majesty's Forces in World War I or World War II, or a discharged member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, and who is receiving treatment or domiciliary care, in a hospital or institution, under the jurisdiction of the Department of Veterans Affairs, is not entitled to have his name included in the list of electors for the polling division in which such hospital or institution is situated, except in the case referred to in subparagraph (4) of paragraph 15 of these Instructions. Any such person is entitled to vote at the general election only as a Veteran elector under the special procedure set forth in *The Canadian Forces Voting Regulations*.

\* See pertinent paragraphs of *The Canadian Forces Voting Regulations*, which are printed at pages 54 to 57.



## 9. MODE OF REVISION

**21. Mode of Revision.**—(1) The preliminary lists for the various polling divisions comprised in any revisal district will be revised in accordance with the provisions of Rules (17) to (41) of Schedule A to section 17 of the Act and in accordance with the directions set out in these Instructions. The names of electors appearing on the preliminary lists against which no appeals have been made to the revising officer will be allowed to stand without any investigation as to the qualifications of such electors.

Mode of  
revision.

(2) During the sittings for revision, each application or objection, as it is made, and its disposal, will be noted on the record sheets (Form 83). All entries made in the record sheets must be continuous and a consecutive number given to each application or objection, as it is recorded. Special care will be exercised by the revising officer in making entries in his record sheets, since the said record sheets will be used for the preparation of the necessary number of copies of the statements of changes and additions.

Applications  
and objections  
to be  
recorded.

Rule 31.

**22. Personal Applications.**—Any person claiming to be entitled to be registered as an elector in a revisal district may apply in person, without previous notice, before the revising officer during his sittings for revision on Thursday, Friday, and Saturday, the 18th, 17th, and 16th days before polling day, to have his name included in the applicable official list of electors, and if such person answers to the satisfaction of the revising officer the relevant questions that the revising officer will deem necessary and proper to put to him, the revising officer will insert the name and particulars of the applicant in his record sheets as an accepted application for registration on the applicable official list of electors.

Personal  
applications.

Rule 32.

**23. Application by Agent of Elector.**—Any qualified elector, in the revisal district, whose name is omitted from the preliminary list and who, for any reason, is unable to attend before the revising officer during his sittings for revision on Thursday, Friday, and Saturday, the 18th, 17th, and 16th days before polling day, may make a written application in Form 18 to have his name included in the applicable official list of electors.\* When completed, this application will be brought before the revising officer by another elector whose name appears on the preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, which elector will himself fill in and subscribe to a sworn application in Form 17, these two applications being printed on the same sheet. The agent's application will be sworn before the revising officer or before any of the other persons mentioned in section 105 of the Act. If the revising officer is satisfied that the person on whose behalf the application

Applications  
made by  
agents on  
behalf of  
electors.

Rule 33.

\* If the elector is then temporarily absent from the place of his ordinary residence, the application may be made on oath by a relative by blood or marriage, or by his employer, in the Alternative Form 18 printed on the back of Forms 17, 18.

is made is duly qualified as an elector in his revisal district, he will insert his name and particulars in the record sheets (Form 83) as an accepted application for registration on the applicable official list of electors. If the revising officer entertains any doubt as to whether or not such application should be granted, he will not immediately accept the application, and the applicant may appear in person or by a representative before the revising officer during his sittings on the said 18th, 17th, and 16th days before polling day, for the purpose of proving his right to be registered as an elector; and if the applicant fails to appear personally or by a representative or fails to produce satisfactory proof, the revising officer may refuse to grant the application. In every such case, an appropriate entry will be made in the record sheets (Form 83). A number of forms of application (Forms 17, 18) will be included in List of Supplies No. Four printed at page 25, and these forms will be distributed by the revising officer to interested persons upon request. Moreover, these forms of application (Forms 17, 18) may be obtained from the returning officer.

**Corrections.**

Rule 35.

**24. Applications for Corrections.**—Any elector may, without previous notice, apply verbally to the revising officer during his sittings for revision on Thursday, Friday, and Saturday, the 18th, 17th, and 16th days before polling day, for the correction of any name or description of address or occupation appearing on a preliminary list relating to his revisal district, and upon satisfactory evidence being furnished him, the revising officer will enter the particulars of the correction in his record sheets (Form 83) as an accepted application for correction to be made on the applicable official list of electors.

**Procedure relating to Affidavits of Objection.**

Rule 28.

**25. Affidavits of Objection.**—An elector whose name appears on the preliminary list for any polling division comprised in a given revisal district may, before the revising officer for such revisal district during his sittings for revision on Thursday and Friday, the 18th and 17th days before polling day, subscribe to an affidavit attacking the qualification as elector of any other person whose name appears on the preliminary list for one of the polling divisions comprised in such revisal district. Each affidavit is to be completed in duplicate (or in triplicate if the objecting elector gives a second address for the person against whom his objection is directed) and each copy must be sworn before the revising officer. The revising officer should satisfy himself that the directions as to the preparation of each affidavit have been strictly followed, particularly in respect to the ground of disqualification given in paragraph 4 of the Affidavit of Objection (Form 15). Upon satisfying himself on this point and upon the deponent being sworn, the revising officer will, on each copy of the affidavit, affix his signature under the prescribed certificate and enter, in his record sheets (Form 83), the name and particulars of the person objected to. The revising officer will keep in his possession one copy of each affidavit (Form 15) completed before him and one copy of each Notice (Form 16) completed by himself. After the

revision, these copies will be transmitted to the returning officer, as directed in paragraph 30 of these Instructions. A number of forms of Affidavit of Objection (Forms 15, 16) will be included in List of Supplies No. Four printed at page 25, and these forms will be distributed by the revising officer to interested persons upon request. Moreover, these forms of affidavit (Forms 15, 16) may be obtained from the returning officer.

**26. Notices to Persons Objected to.**—The revising officer before whom any Affidavit of Objection (Form 15) is subscribed will, on each copy, fill in and sign the Notice to the person objected to (Form 16), which is printed on the same sheet. The hours of sittings for revision are printed on the said notice but the revising officer will have to insert the date of Tuesday, the 13th day before polling day, upon which the person objected to may appear before him and the address of the revisal office. As soon as the affidavit and notice are completed, one (or two) of the completed forms will be placed in the special envelope (or envelopes) (Form 93) and sent by registered mail to the address (or addresses) of the person whose qualifications are objected to. Such notices must be mailed as soon as they are completed; in any event not later than the Friday mentioned in the next preceding paragraph. The revising officer will himself pay the postage on the envelopes containing the notices and affidavits. When purchasing the necessary postage stamps for that purpose, the revising officer will obtain from the postmaster a receipt for his purchase. The revising officer will insert in his account (Form 117), in the space provided for that purpose, the amount for such purchase, and will attach thereto as a voucher the postmaster's receipt.

Mode of  
notifying  
persons  
objected to.

Rule 28.

**27. Disposal of Affidavits of Objection.**—In cases of objections made on affidavits (Form 15) subscribed before the revising officer during the sittings for revision on the two days mentioned in paragraph 25 of these Instructions, of which notices have been sent by registered mail to the persons objected to, the revising officer will, at his sittings for revision on Tuesday, the 13th day before polling day, deal with each objection separately upon the merits to be disclosed by examination on oath of the elector making the objection, of the person against whom the objection is made, and of the witnesses present on their respective behalf. After each objection is dealt with, the revising officer will, in his discretion, either strike out the name of the person objected to from the preliminary list on which such name appears or allow the name to stand, and he will insert a note as to his decision in the appropriate column of the record sheets (Form 83) on the line containing the entry which was made with respect to that person at the time of the subscribing of the Affidavit of Objection (Form 15). The onus of substantiating a sufficient *prima facie* ground to strike out any name from the preliminary list will be upon the elector making the objection, and it will not be necessary for a person against whom objection is made to adduce proof in the first instance that his name properly appears on the preliminary list. The absence from or

Objections  
on affidavits,  
how dealt  
with.

Rule 28.

Rule 29.

Rule 36.



non-attendance before the revising officer, at the time that the objection is dealt with, of any person against whom an objection is made, will not relieve the elector making the objection from substantiating a *prima facie* case by evidence which, in the absence of rebuttal evidence, is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the preliminary list. If no Affidavit of Objection (Form 15) has been subscribed before the revising officer, it will not be necessary for him to hold any sitting for revision on the Tuesday above mentioned.

Order at  
sittings.

Rule 39.

**28. Maintenance of Order.**—The revising officer is responsible for the maintenance of order in his revisal office, and has for this purpose the powers of a justice of the peace. If assistance is required to effect the arrest of any one who has committed an offence in relation to the revision, or who refuses to leave the revisal office upon request, the bystanders may be called upon for assistance, and, if an offence is committed, or any disturbance made, any person may be verbally authorized by the revising officer to arrest the offender; when necessary, an information may be completed before the revising officer and a warrant issued by him. The revising officer may appoint a constable either verbally or in writing to maintain order in his revisal office, but if one is appointed and is to be paid, an adequate and satisfactory statement of the circumstances making his appointment necessary, and of the hours during which the constable was called upon to act, must be made by the revising officer and attached to the account of such constable. Whenever the language of an applicant is not understood by the revising officer, an interpreter may be sworn and may act.\*

Rule 37.

## 10. PROCEDURE AFTER SITTINGS

Preparation  
of state-  
ments of  
changes and  
additions.

Rule 40.

**29. Statements of Changes and Additions.**—For each polling division comprised in his revisal district, the revising officer will have prepared on the appropriate form (Form 19 or 112), two copies of the statement of changes and additions for the returning officer and five copies for each candidate officially nominated in the electoral district, the revising officer's record sheets (Form 83) being used for that purpose. The statement of changes and additions is made out in three parts: in the first will be set out the names which have been added to the preliminary list; in the second, the names on the preliminary list which have been corrected; and, in the third, the names which have been struck out from the preliminary list. Each statement of changes and additions will be certified by the revising officer in the space provided for that purpose on the appropriate form (Form 19 or 112). If, for any polling division, the revising officer has made no changes in the preliminary list, he will nevertheless have prepared the required number of copies of the statement of changes and additions, but, in such case, the word

\* The revising officer shall administer the following oral oath: "You swear (or solemnly affirm) that you will truly and faithfully act in your capacity of interpreter. So help you God."

"Nil" will be written in the three spaces provided in the form for the various entries, and the form will be completed in every other respect. Whenever there are no entries to be made in one of the spaces, the word "Nil" will be written in that space or, in other words, when it is only necessary to make entries of names added, the word "Nil" will be written in the other two spaces provided in the form for names struck out and for corrections, or *vice versa*. All the above-mentioned entries shall be typewritten. The revising officer will bear in mind that the official list of electors to be used for the taking of the votes on polling day consists of the printed preliminary list taken together with a copy of the statement of changes and additions prepared and certified by the revising officer.

**30. Transmission of Statements of Changes and Additions, etc.**—The revising officer will, not later than Thursday, the eleventh day before polling day, deliver or transmit to the returning officer, in the appropriate envelope (Form 110), two duly completed copies of the statement of changes and additions for each polling division comprised in his revisal district, the record sheets duly completed, the duplicate notices to persons objected to, with attached affidavits, the sworn applications made by agents on behalf of electors, and all other documents and unused supplies relating to the revision. At the same time, the revising officer will, in the envelope (Form 110), deliver or transmit to each candidate officially nominated in the electoral district, five duly completed copies of the statement of changes and additions for each polling division comprised in his revisal district.

Transmission of statements of changes and additions, etc.

Rule 41.

## 11. FINAL DUTIES

**31. Account.**—As soon as the revision documents have been transmitted to the returning officer, as directed in the next preceding paragraph, the substitute revising officer will prepare his account for services and expenses on the special form (Form 117) and submit it to the *ex officio* Revising Officer. The Statute requires that such account must be certified by the *ex officio* Revising Officer. When such account has been so certified, it will be sent to the Chief Electoral Officer. The allowance provided in the Tariff of Fees for the services of a substitute revising officer is \$6 for every polling division comprised in the revisal district for which such revising officer has been appointed, with a minimum allowance of \$75. This means that if the number of polling divisions comprised in the revisal district is less than thirteen, the substitute revising officer is entitled to the said minimum allowance of \$75. This allowance covers the substitute revising officer's personal services, including the sittings for revision and all duties required to be performed in connection therewith. The above-mentioned allowance of \$6 applies to each polling division comprised in the revisal district, no matter how many names appear on the list of electors as prepared and revised, and does not apply to any additional polling station that may be established therein for

Account for services, etc.

Rule 18.

the taking of the votes, whenever the number of names of electors exceeds 350. If any postage stamps have been purchased for the mailing of the notices to persons objected to, as indicated in paragraph 26 of these Instructions, the revising officer will insert in his account (Form 117), in the space provided for that purpose, the amount of such purchase and will attach thereto as a voucher the receipt secured from the postmaster. The revising officer will also insert in such account, in the space provided for that purpose, the amount to which he is entitled for clerical assistance, as set out in paragraph 8 of these Instructions. The substitute revising officer and his clerical assistants are not entitled to travelling allowances.

Padding of  
lists, etc.,  
reported.

**32. Reports to Chief Electoral Officer.**—If, during the revision, a revising officer discovers that enumerators have padded their preliminary list with the names of disqualified or fictitious persons, or have wilfully omitted any names of qualified electors from their preliminary list, it is his duty to report the matter to the Chief Electoral Officer. Such report will be sent immediately after all the other duties of the revising officer have been completed. Before sending any such report, the revising officer should read the provisions of Rules (11) and (12) of Schedule A to section 17 and subsection (5) of section 60 of the Act.



## 12. LIST OF SUPPLIES No. FOUR

Forms, etc., for use by Revising Officers  
(To be distributed by the returning officer)

Form No.	Description	Number to be distributed to each revising officer	Paragraph of Instructions wherein referred
Book H	Instructions for Revising Officers.....	5	1, 4
15, 16	Affidavit of Objection and Notice to Person Objected to*.	10 per polling division	14 (d), 25-27
17, 18	Sworn Application by Agent on behalf of Elector**.....	40 per polling division	14 (b), 23
19	Statement of changes and additions (Geographical)†.....	30 per polling division	29, 30
83	Revising officer's record sheets.....	10	21-25, 27, 29, 30
93	Envelope to transmit Forms 15, 16 to person objected to	5 per polling division	26
110	Envelope to transmit papers to returning officer.....	6	30
112	Statement of changes and additions (Alphabetical)††....	30 per polling division	29, 30
117	Revising officer's account .....	2	26, 31

The Returning Officer will add:

14	Twenty copies of Notice of Revision.....	—	7, 9
—	Three copies of the printed preliminary list for every polling division comprised in the revisal district.	—	7
—	One complete set of the printed preliminary lists for the urban polling divisions comprised in any other revisal district established in the electoral district.	—	7

\* As stated in paragraph 25 of these Instructions, copies of this form are also distributed by the returning officer to interested persons.

\*\* As stated in paragraph 23 of these Instructions, copies of this form are also distributed by the returning officer to interested persons.

† This form will not be furnished to the revising officer when the preliminary lists are prepared in alphabetical order.

†† This form will not be furnished to the revising officer when the preliminary lists are prepared in geographical order.

### 13. STATEMENT RELATING TO CANADIAN CITIZENS AND BRITISH SUBJECTS\*

#### Canadian Citizens

33. Canadian citizens may be divided into two classes — natural-born and other than natural-born. The natural-born may be divided into two sub-divisions:

Natural-born  
Canadian  
citizen  
before  
January 1,  
1947.

1. A person born before the commencement of the Canadian Citizenship Act (January 1, 1947) is a natural-born Canadian citizen—

- (a) If he was born in Canada or on a Canadian ship (including airship) and was not an alien on the 1st day of January, 1947;
- (b) If he was born outside of Canada elsewhere than on a Canadian ship and was not, on the 1st day of January, 1947, an alien and either was a minor on that date or had, before that date, been lawfully admitted to Canada for permanent residence and his father (or the mother in the case of a person born out of wedlock)—
  - (i) was born in Canada or on a Canadian ship and was not an alien at the time of that person's birth, or
  - (ii) was, at the time of that person's birth, a British subject who had Canadian domicile, or
  - (iii) was, at the time of that person's birth, a person who had been granted, or whose name was included in, a certificate of naturalization, or
  - (iv) was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation.

(NOTE: Canadian domicile, for the purposes of (ii), is Canadian domicile within the meaning of the Immigration Act, and the father would be required to prove, in effect, that he was in possession of Canadian domicile at the time of his child's birth.)

Declaration  
of  
retention.

A person who is a Canadian citizen under paragraph (b), and was a minor on the 1st day of January, 1947, ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he—

- (a) has his place of domicile in Canada at such date; or
- (b) has, before such date and after attaining the age of twenty-one years, filed, with a representative of the

\* The laws relating to Canadian citizenship and British nationality are somewhat involved; therefore, in case of doubt on any matter of citizenship or nationality, the question should be referred to the Registrar of Canadian Citizenship, Department of Citizenship and Immigration, Ottawa.

Government of Canada, or with the Registrar of Canadian Citizenship, a declaration of retention of Canadian citizenship.

2. A person, born after the 31st day of December, 1946, is a natural-born Canadian citizen—

Natural-born Canadian citizen on or after January 1, 1947.

- (a) If he is born in Canada or on a Canadian ship;
- (b) If he is born outside of Canada elsewhere than on a Canadian ship and his father (or the mother, in the case of a person born out of wedlock), at the time of that person's birth, is a Canadian citizen, and the fact of the birth is registered (by the father, the mother, or the legal guardian of the child) with a representative of the Government of Canada (ultimately it reaches the Registrar of Canadian Citizenship), within two years after its occurrence, or within such extended period as the Minister of Citizenship and Immigration may authorize in special cases.

NOTE: Paragraph 2 (a) does not apply to a person if, at the time of that person's birth, his responsible parent—

Children born in Canada of Diplomatic Representatives.

- (a) is an alien who has not been lawfully admitted to Canada for permanent residence; and
- (b) is
  - (i) a foreign diplomatic or consular officer or a representative of a foreign government accredited to Her Majesty,
  - (ii) an employee of a foreign government attached to or in the service of a foreign diplomatic mission or consulate in Canada, or
  - (iii) an employee in the service of a person referred to in subparagraph (i).

NOTE: A person who is a Canadian citizen as described in 2 (b) ceases to be a Canadian citizen upon the date of the expiration of three years after the day on which he attains the age of twenty-one years unless he complies with precisely the same conditions as those set out in paragraphs (a) and (b) of the latter part of 1.

Declaration of retention.

NOTE: A person who has ceased to be a Canadian citizen by failure to establish a place of domicile in Canada, or to file a declaration of retention may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval, or as of such other earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

Petition for resumption of Canadian citizenship.



*Canadian citizens other than natural-born*

Other than  
natural-  
born  
Canadian  
citizen.

A person other than a natural-born Canadian citizen is a Canadian citizen, if—

- (a) that person was granted, or the name of that person was included in, a certificate of naturalization, and was not an alien on the 1st day of January, 1947, or
- (b) that person, immediately before the 1st day of January, 1947, was a British subject who had Canadian domicile, or
- (c) that person was a British subject who had his place of domicile in Canada for at least twenty years immediately before the 1st day of January, 1947, and was not, on that date, under order of deportation, or
- (d) that person, being a woman other than a woman who comes within paragraph (a), (b) or (c),
  - (i) before the 1st day of January, 1947, was married to a man who, if the Canadian Citizenship Act had come into force immediately before the marriage, would have been a natural-born Canadian citizen, or a Canadian citizen as provided in (a), (b) or (c) immediately above, and
  - (ii) on the 1st day of January, 1947, was a British subject and had been lawfully admitted to Canada for permanent residence.

NOTE: With respect to (b), immediately above, "Canadian domicile" means a residence of five years' residence in Canada after the date of admission for permanent residence, as required under the Canadian Immigration Act.

NOTE: A British subject who does not come within the category of (b), (c) or (d) does not acquire Canadian citizenship unless he qualifies for and is granted a certificate of Canadian citizenship.

NOTE: The foregoing, "Canadian citizens other than natural-born", is transitional, having to do with the status of persons at the commencement of the Canadian Citizenship Act on January 1, 1947.

**British Subjects**

Status of  
British  
subjects.

The Statute prescribes that a Canadian citizen is a British subject; but a person may be a British subject and not a Canadian citizen.

**1. Who Are British Subjects?**

Dealing with the question in the most general terms, a person is a British subject by birth, by naturalization, or, in the case of a woman, by marriage to a British subject prior to the 1st January, 1949. If the marriage has taken place since the 1st

January, 1949, the alien woman has not become a British subject merely by the fact of marriage.

NOTE: Under Canadian law, an alien woman who marries a Canadian citizen after January 1, 1947, becomes neither a British subject nor a Canadian citizen. However, under the naturalization laws of the United Kingdom, the period during which an alien woman could become a British subject on marriage continued until their new Act came into force on January 1, 1949. There is a provision in the Canadian Statute which recognizes this fact; therefore, it may be said generally that up to January 1, 1949, the alien woman who married a British subject automatically acquired British nationality.

## 2. Acquisition of British Nationality

Every person has, in Canada, the status of a British subject who—

How British  
nationality  
is acquired.

- (a) was born in any country of the British Commonwealth, or on a British ship, or on a Canadian ship or aircraft, regardless of the nationality of his or her parents, or
- (b) was born elsewhere of a father who, at the time of the child's birth, was a British subject, or
- (c) has been personally granted a certificate of naturalization under any statute of Canada, or under a naturalization act in any other country of the British Commonwealth, or
- (d) has had his or her name included in a certificate of naturalization granted to a parent under the Canadian Naturalization Act, 1914, and subsequent acts up to 1947, or in a certificate granted to a parent in any other country of the British Commonwealth, or
- (e) is the child of a person naturalized in Canada before January 1, 1915, and was a minor and resident in Canada at the time of the naturalization of the parents, or was a minor and resident in Canada before January 1, 1915, or
- (f) is the wife of a man who was an alien at the time of the marriage but later, during the marriage and before January 15, 1932, became a naturalized British subject, or
- (g) is a woman who, between January 15, 1932, and January 1, 1947, and following the naturalization of her alien husband, filed with the Naturalization Branch a declaration of her desire to acquire British nationality. A woman in this category would be in possession of her own certificate of naturalization as a British subject.

## 3. Commonwealth Countries

A person who has acquired the status of a British subject by birth or naturalization under the laws of any country of the British Commonwealth to which he was subject at the time of

List of  
Common-  
wealth  
countries.

his birth or naturalization is recognized in Canada as a British subject. These British Commonwealth countries are—

Australia  
Canada  
Ceylon  
India  
New Zealand  
Pakistan  
Southern Rhodesia  
Union of South Africa  
United Kingdom.

#### 4. *Special Status of Citizens of the Republic of Ireland*

Republic of  
Ireland.

Although the Republic of Ireland is not now a Commonwealth country, and although its citizens are not British subjects, nevertheless its citizens are given, in Canada, the same consideration as British subjects. The Statute reads—

“Any law of Canada, including this Act, and any regulation made under the authority of any law of Canada shall, unless it otherwise provides, have effect in relation to a citizen of the Republic of Ireland who is not a British subject in like manner as it has effect in relation to a British subject.”

### General Definitions

Definitions.

1. “Alien” means a person who is not a Canadian citizen, Commonwealth citizen, British subject, or citizen of the Republic of Ireland.

2. “Foreign”, as applied to a country, a government, or a nationality, does not include a Commonwealth country, or the Republic of Ireland.

### Loss of Canadian Citizenship and British Nationality

How  
Canadian  
citizenship  
and British  
nationality  
are lost.

1. A person who ceases to be a Canadian citizen also ceases to be a British subject unless, under the laws of a Commonwealth country, he has the status of a British subject following his loss of Canadian citizenship.

#### 2. *Loss of Canadian Citizenship*

Canadian citizenship is lost by—

- (a) a Canadian citizen who, when outside of Canada, and not under a disability (a minor, a lunatic, or an idiot), by a voluntary act other than marriage acquires the nationality or citizenship of a country other than Canada.

NOTE: This does not apply where the nationality or citizenship acquired is that of a country at war with Canada at the time of the acquisition, but, in such a case the Minister of Citizenship and Immigration may, in his discretion, order that the Canadian citizen shall cease to be a Canadian citizen. The purpose of this



is to hold the person, if deemed necessary, to his obligations as a Canadian citizen.

- (b) a Canadian citizen, who, under the law of another country, is a national or citizen of such country and who serves in the armed forces of such country when it is at war with Canada. This does not apply if the Canadian citizen became a national or citizen of such country when it was at war with Canada.
- (c) a Canadian citizen who, when in Canada, and not under disability, acquires the nationality or citizenship of a foreign country by any voluntary act other than marriage. This, however, is not automatic loss; in such cases, the Governor in Council may, in his discretion, order that such a person shall cease to be a Canadian citizen.
- (d) a Canadian citizen (other than a natural-born Canadian citizen or a Canadian citizen who has served in the armed forces of Canada in time of war and has been honorably discharged therefrom) who resides outside of Canada for a period of at least ten consecutive years without having maintained some substantial connection with Canada, as set out in the Statute.

**NOTE:** This is automatic loss of citizenship, but the period of absence may, upon application, be extended beyond ten years, for good and sufficient cause, in accordance with the Citizenship Regulations.

The section of the Canadian Citizenship Act governing automatic loss after an absence of ten years is new; that is, there was not a similar provision under the Naturalization Act. Therefore, this section is effective only from January 1, 1947, and will not come into operation until January 1, 1957, ten years from the date of the coming into force of the Canadian Citizenship Act.

A person who has ceased to be a Canadian citizen after a residence of ten consecutive years outside of Canada may, in accordance with the regulations, file a petition for resumption of Canadian citizenship and shall, if the petition is approved by the Minister of Citizenship and Immigration, be deemed to have resumed Canadian citizenship as of the date of such approval or as of such earlier or later date as the Minister may fix in any special case, and the Minister may issue a certificate of citizenship accordingly.

Resumption  
with  
approval of  
Minister.

### **Loss of Citizenship by Revocation** (Applicable only to naturalized persons)

The citizenship of a Canadian citizen, other than a natural-born Canadian citizen, may be revoked by the Governor in Council for such reasons as trading or communicating with an enemy country during time of war; disaffection or disloyalty whilst out of Canada, or, whilst in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving

Loss to  
naturalized  
persons by  
revocation.

disaffection or disloyalty; obtaining a certificate of naturalization or Canadian citizenship by false representation or fraud; residence outside of Canada for not less than six years (without maintenance of substantial connection) since becoming a Canadian citizen or being naturalized in Canada; residence for not less than two years in a foreign country of which he was a national or citizen at any time prior to his becoming a Canadian citizen or being naturalized in Canada, and has not maintained substantial connection with Canada.

### **Loss by Revocation**

(Applicable to both natural-born and naturalized persons)

Loss to  
natural-  
born and  
naturalized  
persons by  
revocation.

The Governor in Council may, in his discretion, order that any person shall cease to be a Canadian citizen if, upon a report from the Minister of Citizenship and Immigration, he is satisfied that such person has, when not under a disability—

- (a) taken or made an oath, affirmation, or other declaration of allegiance to a foreign country;
- (b) made a declaration renouncing his Canadian citizenship.

### **Loss in Relation to Women**

Loss to  
women in  
any manner.

A British subject woman who married an alien before January 1, 1947, and upon marriage acquired her husband's alien nationality, ceased to be a British subject. If the husband was a British subject who became an alien during the course of the marriage, and prior to January 1, 1947, his wife became an alien if she acquired her husband's nationality.

**NOTE:** Persons in the above category were automatically restored to British nationality by the British Nationality Act, 1948.

In the case of a marriage subsequent to January 1, 1947, the woman, being a Canadian citizen, does not lose the status of a Canadian citizen and a British subject, unless, having on marriage acquired her husband's nationality, she makes a declaration renouncing her Canadian citizenship (equivalent, for this purpose, to British nationality).

**NOTE:** The foreign countries, under the laws of which a woman does not acquire the citizenship of such countries on marriage, are—

Argentina	Morocco
Brazil	Palestine
Chile	Panama
Colombia	Paraguay
Ecuador	United States of America
Guatemala	Uruguay.

## CANADA ELECTIONS ACT

### EXCERPTS FROM OFFICE CONSOLIDATION RELATING TO REVISING OFFICERS AND THEIR DUTIES

\* \* \* \*

#### INTERPRETATION.

2. In this Act,

Definitions.

\* \* \* \*

(6) "election" means an election of a member or members to serve in the House of Commons of Canada; "Election."

\* \* \* \*

(8) "election officer" includes the Chief Electoral Officer, the Assistant Chief Electoral Officer and every returning officer, election clerk, deputy returning officer, poll clerk, enumerator, revising officer or other person having any duty to perform pursuant to this Act, to the faithful performance of which duty he may be sworn; "Election officer."

\* \* \* \*

(10) "elector" means any person qualified to vote at an election, whether his name is or is not on any list of electors; "Elector."

(11) "electoral district" means any place or territorial area entitled to return a member or members to serve in the House of Commons of Canada; "Electoral district."

\* \* \* \*

(13) "form" means a form as in Schedule One or any other form relating to the administration of an election under this Act, prescribed by the Chief Electoral Officer; "Form."

(14) "hours of the day" and all other references to time appearing in this Act relate to standard time; "Hours of the day."

(15) "judge" or "the judge" when used to define the judicial officer upon whom is conferred specific powers means, "Judge" or "the judge."

(a) in relation to any place or territory within the judicial district of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, each acting for the district in which he resides, or such other judge as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge;

(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge



of the Superior Court has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;

- (c) in relation to any other place or territory in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such place or territory lies, and if there is more than one judge exercising such jurisdiction, the senior of them;
- (d) in relation to the electoral districts of Yukon and Mackenzie River, the person exercising from time to time the jurisdiction of the judge of the Territorial court of the Yukon Territory;
- (e) in relation to any other place or territory in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the judicial district, as the case may be, within which such place or territory lies, and if there is more than one such judge the senior of them; and
- (f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of such judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice;

"Judicial district."

(16) "judicial district" means a territory, county or district in respect of which a judge has been appointed to exercise judicial functions;

"List of electors."

(17) "list of electors" means either the preliminary list of electors or the official list of electors as herein defined, and as the context requires;

\* \* \* \*

"Official list of electors."

(22) "official list of electors" means

- (a) in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules (1) to (16) of Schedule A to section 17 taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule (40) of the said Schedule A, or the appropriate portion of the preliminary list that has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection (7) of section 33, and

\* \* \* \*

(28) "polling division" means any division, subdivision, district, subdistrict or other territorial area fixed by the returning officer, for which a list of electors shall be prepared and for which one or more polling stations shall be established for the taking of the vote on polling day;

"Polling division."

(29) "polling station" means suitable premises secured by the returning officer for the taking of the vote of the electors on polling day and to which the whole or a portion of the official list of electors for a polling division is allotted;

"Polling station."

(30) "preliminary lists of electors" mean the lists of electors prepared by enumerators pursuant to Rules (1) to (16) of Schedule A to section 17;

"Preliminary lists of electors."

\* \* \* \*

(34) "revising officer" includes *ex officio* revising officer and substitute revising officer;

"Revising officer."

\* \* \* \*

(38) "urban polling division" means a polling division that is wholly contained within an incorporated city or town having a population of five thousand or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section 12;

"Urban polling division."

\* \* \* \*

(40) "writ" means the writ for an election.

"Writ."

\* \* \* \*

## 5. The Chief Electoral Officer shall

- (a) exercise general direction and supervision over the administrative conduct of elections and enforce on the part of all election officers fairness, impartiality and compliance with the provisions of this Act;

Special powers and duties of Chief Electoral Officer.

\* \* \* \*

## Qualifications and Disqualifications of Electors.

14. (1) Except as hereinafter provided, every person in Canada, man or woman, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and is qualified to vote in such polling division, if he or she

Qualifications.

- (a) is of the full age of twenty-one years or will attain such age on or before polling day at such election;
- (b) is a Canadian citizen or other British subject; and
- (c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election.

(2) The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say,

Disqualifications.

- (a) the Chief Electoral Officer;
- (b) the Assistant Chief Electoral Officer;
- (c) the returning officer for each electoral district during his term of office, except when there is an equality of votes on the official addition of votes or on a recount, as in this Act provided;
- (d) every judge appointed by the Governor in Council;
- (e) every Indian, as defined in the *Indian Act*, ordinarily resident on a reserve, unless,
  - (i) he was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, or
  - (ii) he executed a waiver, in a form prescribed by the Minister of Citizenship and Immigration, of exemptions under the *Indian Act* from taxation on and in respect of personal property, and subsequent to the execution of such waiver a writ has issued ordering an election in any electoral district;
- (f) every person undergoing punishment as an inmate in any penal institution for the commission of any offence;
- (g) every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease; and
- (h) every person who is disqualified from voting under any law relating to the disqualification of electors for corrupt or illegal practices.

Qualifi-  
cation of  
veteran  
under 21  
years of  
age.

(3) Notwithstanding anything in this Act, any person who, subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.

Qualifi-  
cation of  
wife of  
Indian  
veteran.

(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.

Qualifica-  
tions of  
Veterans in  
certain  
hospitals or  
institutions.

(5) Notwithstanding anything in this Act, every person, man or woman, irrespective of age, who

- (a) was a member of His Majesty's Forces during World War I or World War II, or was a member of the Cana-



dian Forces who served on active service subsequent to the 9th day of September, 1950;

- (b) was discharged from such Forces; and
- (c) is receiving treatment or domiciliary care in any hospital or institution at the request or on behalf of the Department of Veterans Affairs, in which hospital or institution, on the date of the issue of the writs ordering a general election, less than twenty-five of such persons, as determined by the said Department, are receiving such treatment or care;

is entitled to have his or her name included in the list of electors prepared for the polling division in which such hospital or institution is situated, and is entitled to vote at a general election in such polling division, if such person is otherwise qualified as an elector.

(6) A Canadian Forces elector, as defined in paragraph 20\* of *The Canadian Forces Voting Regulations*, is entitled to vote

Residence qualifications of members of the Canadian Forces.

\* \* \* \*

- (b) at a general election only under the procedure set forth in those Regulations, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 22\* of those Regulations.

\* \* \* \*

15. (1) Subject to the exceptions stated in subsection (2), every person employed by any person for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote is disqualified from voting and incompetent to vote in such electoral district at such election.

Persons in receipt of pay disqualified.

(2) A person is not disqualified from voting at an election of a member to serve in the House of Commons by reason that he is employed for pay or reward in reference to an election in the electoral district in which such person would otherwise be entitled to vote, so long as the employment is legal.

Exceptions.

(3) Persons who may be legally employed are:

- (a) election clerks, revising officers, deputy returning officers, enumerators, poll clerks, messengers, interpreters, constables and persons otherwise necessarily and properly employed by an election officer for the conduct of the election;
- (b) official agents of candidates;
- (c) persons engaged in printing election material on behalf of a candidate; and

Classes of persons excepted and limitation of number.

\* See pertinent paragraphs of *The Canadian Forces Voting Regulations*, which are printed at pages 54 to 57.

- (d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

*Rules as to the Residence of Electors.*

- Interpretation of the words "ordinarily resident" and "ordinarily resided." 16. (1) The rules in this section apply to the interpretation of the words "ordinarily resident" and "ordinarily resided" in any section of this Act in which those words are or either of them is used with respect to the right of a voter to vote.
- Facts of case. (2) Subject as provided in the succeeding subsections of this section, the question as to where a person is or was ordinarily resident at any material time or during any material period shall be determined by reference to all the facts of the case.
- "Place of ordinary residence" defined. (3) The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereto, when away therefrom, he intends to return; specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps.
- One place of residence only. (4) A person can have only one place of ordinary residence and it cannot be lost unless or until another is gained; although, generally, a person's place of ordinary residence is where his family is, if he is living apart from his family, with the intent to remain so apart from it in another place, the place of ordinary residence of such person is such other place; temporary absence from a place of ordinary residence does not cause a loss or change of place of ordinary residence.
- Members of the Canadian Forces. (5) A Canadian Forces elector, as defined in paragraph 20\* of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as shown on the statement made by him under paragraph 22\* of those Regulations.
- Residence at a general election. (6) For the purpose of a general election, every person shall be deemed to continue until polling day to ordinarily reside in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election, and no actual change of residence during the intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district unless he is one of the persons

\* See pertinent paragraphs of *The Canadian Forces Voting Regulations*, which are printed at pages 54 to 57.

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described in subsection (7) and exercises his rights thereunder, in which event he is not entitled to vote in the electoral district in which he was ordinarily resident at the date of the issue of the writ of election.

(7) For the purpose of a general election, any of the following persons who, in the interval between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another, is, if otherwise qualified, entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein, if,

Exceptions.

(a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he has removed; or

Clergyman.

(b) being a teacher, he is employed under a contract with the appropriate educational authority and is engaged in teaching at a school situate in the electoral district to which he has removed.

Teacher.

(8) For the purposes of a general election and notwithstanding anything in this Act, a person who, on the date of the issue of the writs therefor, is duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides and if he is otherwise qualified as an elector, is entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides and on the list of electors for the polling division in which he resides on the date of the issue of the said writs, and to vote in either one of such polling divisions as he may elect.

Students.

(9) No person shall be deemed to be ordinarily resident, on the date of the issue of the writ ordering an election, in residential quarters that are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless, at a general election only, such person has no residential quarters in any other electoral district to which, on the date of the issue of such writ, he might at will remove.

Summer residents.

(10) Except as provided in subsection (12), a person shall be deemed to be ordinarily resident, on the date of the issue of the writs ordering a general election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and is entitled to have his name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election, if such person is otherwise qualified as an elector; such person is not, however, entitled to vote in such

Temporary workers.



polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation.

Wives or dependants of service-men.

(11) A person who is the wife or dependant of a member of the naval, army, or air forces of Canada, shall be deemed to be ordinarily resident on the date of the issue of the writs ordering a general election in the polling division in which such person is occupying residential quarters during the course and as a result of the services performed by such member in such forces; such person (wife or dependant), if otherwise qualified as an elector, is entitled to have his or her name included in the list of electors prepared for such polling division and is qualified to vote therein at the said general election.

Persons temporarily engaged in public works.

(12) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.

Wives or dependants of persons temporarily engaged in public works.

(13) The wife or dependant of a person mentioned in subsection (12) who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependant has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.

Persons residing in lodgings, hostel, refuge, etc.

(14) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ of election in lodgings, hostels, refuges or similar institutions conducted for charitable or semi-charitable purposes, unless such person has been in continuous residence in such lodgings, hostel, refuge or similar institution, for at least ten days immediately preceding the date of the issue of such writ.

Persons residing in a sanatorium, etc.

(15) A person shall, for the purpose of this Act, be deemed to be ordinarily resident, at the date of the issue of the writ ordering an election, in a sanatorium, a chronic hospital, or similar institution for the treatment of tuberculosis or other chronic diseases, if such person has been in continuous residence therein for at least ten days immediately preceding the date of the issue of such writ.

#### *Preparation of Lists of Electors.*

Commencement of preparation of lists.

17. (1) The returning officer shall, commencing on Monday, the forty-ninth day before polling day, cause to be prepared in

and for his electoral district, and pursuant to the provisions of this Act, preliminary lists of all persons who are qualified as electors in the urban polling divisions comprised therein.

(2) In urban polling divisions the lists of electors shall be prepared and revised in accordance with the rules set forth in Schedule A to this section.

Urban lists.

\* \* \* \*

(4) The returning officer shall, upon receipt of the two copies of the preliminary list of electors from each pair of urban enumerators, use one copy for the printing of the preliminary lists; the second copy shall be retained by the returning officer and shall be kept available for public inspection at all reasonable hours until the close of the poll on polling day.

Receipt and disposal of copies of preliminary list received from urban enumerators.

(5) The returning officer shall wherever possible cause the preliminary lists for urban polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:

Printing of preliminary lists for urban polling divisions.

- (a) in the case of urban polling divisions, the names of the electors shall be arranged on the printed preliminary lists in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection (15), in which case the names of the electors shall be arranged alphabetically; notices shall be printed at the top of the preliminary list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station established in the urban polling division for the taking of the votes on polling day; and

Arrangement of names on urban lists, etc.

\* \* \* \*

(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions:

Copy of printed preliminary list to electors in urban polling divisions.

- (a) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling

place and having a surname different from the surname of such group;

- (b) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group; and
- (c) in the case of any other dwelling place and in the case of any hotel, hospital, university, college or other institution, one copy of such list shall be sent to each elector residing therein;

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage.

\* \* \* \*

Receipt  
and  
disposal  
of copies of  
statement  
of changes  
and  
additions.

(9) The returning officer shall, upon receipt of the two certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule (41) of Schedule A to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall deliver, in the ballot box, one copy of the statement of changes and additions received from the revising officer, together with the preliminary list, to the appropriate deputy returning officer, for use at the taking of the votes on polling day.

Official  
lists.

(10) In urban polling divisions, the preliminary lists and the statements of changes and additions shall together constitute the official lists of electors, to be used for the taking of the votes on polling day.

Issue of  
certificate  
in case of  
omission  
from list.

(11) If, after the sittings of the revising officer, it is discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copy contained in the enumerators' record books in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 20 entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate; no such certificate shall be



issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer during his sittings for revision.

(12) If, after the sittings of the revising officer, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to Rule (33) of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 21, entitling him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.

Issue of certificate in case of name omitted by revising officer.

\* \* \* \*

(15) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of five thousand or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection (2) of section 12, and in which the territory is not designated by streets, roads, or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 24.

Urban lists alphabetically arranged in some cases.

(16) Every person who applies under this Act to be included in any list of electors in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having once to his knowledge been properly included in any list of electors under this Act as an elector entitled to vote at a pending election, applies to be included in any other list of electors prepared for any electoral district as an elector entitled to vote at the same election, is guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.

Penalty for personation.

(17) In addition to any other penalty to which he may be liable under this Act, any enumerator who, wilfully and without reasonable excuse, includes in any list of electors prepared by him the name of any person whose name he has not good reason to believe should be included, or omits to include in such list

Liability of enumerators.

the name of any person whom he has good reason to believe has the right to have his name included, is guilty of an offence punishable on summary conviction as in this Act provided.

\* \* \* \*

#### SCHEDULE A TO SECTION 17.

##### *Preparation of Lists of Electors in Urban Polling Divisions.*

\* \* \* \*

*Rule (11).* Enumerators who, wilfully and without reasonable excuse, omit from their list of electors the name of any person entitled to have his or her name entered thereon, or enter on the said list the name of any person who is not entitled to have his or her name entered thereon, shall, in addition to any other punishment to which they may be liable, forfeit their right to payment for their services as enumerators.

*Rule (12).* Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if, in his judgment, the said list is incomplete or contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account, and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; moreover, the Comptroller of the Treasury shall not issue a cheque in payment of an urban enumerator's account until after the revision of the preliminary lists of electors has been completed, and it is the duty of the revising officer, forthwith after his sittings for revision, to inform the Chief Electoral Officer, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said list, or wrongfully and wilfully included any name or names therein.

\* \* \* \*

##### *Revision of Lists of Electors in Urban Polling Divisions.*

*Rule (17).* For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer.

*Rule (18).* Forthwith upon being advised by the returning officer of the issue of a writ for an election in an electoral district comprising urban polling divisions and included within an area under his jurisdiction, the *ex officio* revising officer shall appoint in writing, in Form No. 12, a substitute revising officer for every revisal district, as hereafter established by the returning officer, for which the *ex officio* revising officer is not prepared to himself revise the list of electors for the pending election; every substitute revising officer thus appointed shall be a person qualified as an elector in the electoral district within which he is to act; every such substitute revising officer shall, immediately after his appointment, be sworn to the faithful and impartial

performance of his duties; the substitute revising officer's oath shall be in Form No. 13, and it shall be subscribed before a judge of any court, the returning officer for the applicable electoral district or a commissioner for taking affidavits within the province; the *ex officio* revising officer shall transmit to the returning officer a copy of the form of appointment and oath of every substitute revising officer as soon as it has been completed; the *ex officio* revising officer shall certify to the correctness of the accounts submitted by the substitute revising officers appointed by him.

*Rule (19).* Every revising officer, for the purpose of the performance of his duties, has the same powers as would be exercisable by the *ex officio* revising officer when sitting in court, and, subject as in this Act provided and to such instructions as may be given by the Chief Electoral Officer, shall regulate the procedure in all matters coming before him in such manner as he shall see fit.

*Rule (20).* The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of such revisal districts.

*Rule (21).* The returning officer shall also secure for each revisal district a convenient place properly furnished, lighted and heated, in which the revising officer shall sit for the revision of the list of electors; the place where the revising officer sits as such shall hereafter in these rules be termed the "revisal office".

*Rule (22).* The returning officer shall then communicate with the *ex officio* revising officer and shall ascertain from him whether he will himself revise the lists of electors for any, and if any, what revisal district, and such *ex officio* revising officer shall thereupon notify the returning officer of the revisal district for which he will himself revise the lists, and of the names of such other persons, if any, as are or will be appointed by him as substitute revising officers to revise the lists for any other revisal districts, indicating the revisal districts for which such other persons, if any, will act.

*Rule (23).* Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 listing the numbers of the polling divisions comprised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the days and times during which such revisal office will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each



urban polling division comprised in his electoral district; immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.

*Rule (24).* Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision.

*Rule (25).* The returning officer shall furnish to each revising officer at least three copies of the printed preliminary list of electors for every polling division comprised in his revisal district and shall also furnish the required number of copies of the notice of revision in Form No. 14, together with the necessary supplies.

*Rule (26).* The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of; moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the *Interpretation Act*, the day for the commencement or continuation of the sittings for revision may be postponed accordingly.

*Rule (27).* At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the official list of electors, pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list.

*Rule (28).* During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection.

*Rule (29).* In cases of objections made on affidavits subscribed before the revising officer under Rule (28), of which notices have been sent by registered mail by the revising officer to the persons objected to, the revising officer shall deal with each objection separately upon the merits to be disclosed by examination on oath of the elector making the objection, the person against whom the objection is made, and the witnesses present on their respective behalf; after each objection is dealt with, the revising officer shall, in his discretion, either strike off the name of the person objected to from the preliminary list on which such name appears or allow the name to stand; the onus of substantiating sufficient *prima facie* ground to strike off any name from the preliminary list shall be upon the elector making the objection, and it shall not be necessary for the person against whom objection is made to adduce proof in the first instance that his name properly appears on the preliminary list; the absence from or non-attendance before the revising officer, at the time that the objection is dealt with, of the person against whom an objection is made does not relieve the elector making the objection from substantiating a *prima facie* case by evidence that, in the absence of rebuttal evidence, is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the preliminary list.

*Rule (30).* The revising officer shall revise the preliminary lists of electors to which his appointment relates in accordance with the provisions of this Act and particularly in accordance with the following rules.

*Rule (31).* During the sittings for the revision of the list of electors, every revising officer shall keep a record, in the special

form prescribed by the Chief Electoral Officer, upon which each application, as it is made, and its disposition, shall be noted; such record shall be termed the "Revising Officer's Record Sheets".

*Rule (32).* Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate official list of electors at the sittings of the revising officer for such revisal district on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the official list of electors of the polling division where such person ordinarily resides.

*Rule (33).* In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached.

*Rule (34).* If the revising officer entertains a doubt as to whether any application for registration, as mentioned in Rule (33), should be allowed, he shall not accept such application; but the applicant may appear in person or by agent before the revising officer at any time during his sittings as such, for the purpose of proving his, the applicant's right to be registered as an elector; and if he fails to appear personally or by agent, or fails to produce satisfactory proofs, the revising officer may refuse the application.

*Rule (35).* The revising officer shall consider all verbal applications for correction of mistakes in names, or in descriptions of



residences or occupations appearing in any printed list of electors relating to his revisal district and, upon satisfactory evidence being furnished to him, he shall enter the particulars of the correction in his record sheets as an accepted application for correction to be made in the appropriate official list of electors.

*Rule (36).* Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid.

*Rule (37).* Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act.

*Rule (38).* The revising officer shall permit to be present in the revisal office two representatives of each recognized political interest in the electoral district, but no such representative, except with the permission of the revising officer, has any right to take part or intervene in the proceedings.

*Rule (39).* The revising officer shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province; he may appoint, if necessary, a constable or constables for the maintenance of order in his revisal office and for the arrest and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

*Rule (40).* The revising officer shall, immediately after the conclusion of his sittings for revision, prepare from his record sheets, for each polling division comprised in his revisal district, five copies of the statement of changes and additions for each candidate officially nominated at the pending election in the electoral district and two copies for the returning officer, and shall complete the certificate printed at the foot of each copy thereof; if no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word "Nil" in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

*Rule (41).* Upon the completion of the foregoing requirements, and not later than Thursday, the eleventh day before polling day, the revising officer shall deliver or transmit to each candidate officially nominated at the pending election in the

electoral district the five copies, and to the returning officer the two copies, of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to Rule (40); in addition he shall deliver or transmit to the returning officer the record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 15 and 16, respectively, every used application made by agents in Forms Nos. 17 and 18, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district.

\* \* \* \*

Mode of  
payment of  
fees and  
expenses.

60. (3) Such fees, costs, allowances, and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:

\* \* \* \*

By separate  
cheques in  
other cases.

(b) all claims made by other election officers, including the returning officer, election clerk, enumerators, revising officers, advance polling station officers, constables, and various other claims relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment; and

\* \* \* \*

Responsi-  
bility of  
returning  
officer.

(5) The returning officer shall exercise special care in the certification of enumerators' accounts; any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses; in all such cases, the returning officer shall not certify the account of the enumerator concerned, but shall send it uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts; moreover, the Comptroller of the Treasury shall not pay any urban enumerator's account until after the revision of the lists of electors has been completed.

\* \* \* \*

#### *Miscellaneous Offences.*

Liability of  
election  
officers.

70. (1) Every election officer who omits to comply with the provisions of this Act is liable on summary conviction to a penalty of not less than fifty dollars nor more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, is, on summary conviction, liable to a penalty of not less than two hundred dollars nor more than five hundred dollars, unless, in either case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result

of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote, or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

(2) It shall be deemed to be a non-compliance with the provisions of this Act to do or omit to do any act that results in the reception of a vote that should not have been cast, or in the non-reception of a vote which should have been cast.

Non-compliance defined.

(3) The person instituting any proceedings leading to the conviction of any election officer under this section is entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the Chief Electoral Officer or unless the Chief Electoral Officer, at the request of the person by whom the proceeding was instituted, has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

Moiety to prosecutor.

(4) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it is his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

Inquiry into offences and power to take proceedings.

\* \* \* \*

(6) For the purpose of any inquiry held under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, has the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury, on the certificate of the Chief Electoral Officer, out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Powers as commissioner under *Inquiries Act*.

\* \* \* \*

#### *Persons ineligible to act as Election Officers.*

100. (1) Subject to this section, none of the following persons shall be appointed as election officers, that is to say:

Who shall not be appointed election officers.

- (a) members of the Queen's Privy Council for Canada or of the executive council of any province of Canada;
- (b) members of the Senate or of the Legislative Council of any province of Canada;
- (c) members of the House of Commons or of the Legislative Assembly of any province of Canada, or of the Council of the Northwest Territories or the Yukon Territory;



- (d) ministers, priests or ecclesiastics of any religious faith or worship;
- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;
- (f) persons who served in the Parliament of Canada in the session immediately preceding the election or in the session in progress at the time of the election;
- (g) persons who have been found guilty by the House of Commons, or by any court for the trial of controverted elections, or other competent tribunal, of any offence or dereliction of duty in violation of this Act or any provincial Act relating to elections, or under the *Disfranchising Act*;
- (h) persons convicted of any indictable offence; or
- (i) aliens.

Qualifications as electors of election officers.

(2) No person shall be appointed returning officer, election clerk, deputy returning officer, poll clerk, enumerator or revising officer unless he is a person qualified as an elector in the electoral district within which he is to act.

Exceptions.

(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in Schedule Four, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising any power conferred upon him by this Act.

\* \* \* \*

#### Notices.

Notices, how given.

102. (1) When any election officer is by this Act authorized or required to give a public notice and no special mode of notification is indicated, the notice may be by advertisement, placard, handbill or otherwise as he considers will best effect the intended purpose.

Posting up of notices, etc.

(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.

\* \* \* \*

#### Oaths and Affirmations.

Oaths, by whom administered.

105. (1) Where in this Act any oath, affirmation, affidavit, or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit, or declaration

ration shall be administered by the person who by this Act is expressly required to administer it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a postmaster, a revising officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a justice of the peace, or a commissioner for taking affidavits in the province.

(2) All such oaths, affirmations, affidavits or declarations shall be administered gratuitously.

Adminis-  
tered  
gratuitously.

\* \* \* \*

## SCHEDULE THREE

## THE CANADIAN FORCES VOTING REGULATIONS

## EXCERPTS FROM OFFICE CONSOLIDATION

## QUALIFICATIONS OF CANADIAN FORCES ELECTORS.

Qualifica-  
tions of  
Canadian  
Forces  
elector.

20. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she

(a) is a member of the regular forces of the Canadian Forces;

(b) is a member of the reserve forces of the Canadian Forces and is on full-time training or service, or on active service; or

(c) is a member of the active service forces of the Canadian Forces.

Exception.

(2) Notwithstanding anything in these Regulations, any person who, on or subsequent to the 9th day of September, 1950, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph (1), shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations.

\* \* \* \*

## ORDINARY RESIDENCE OF MEMBERS OF CANADIAN FORCES.

22. (1) *Repealed.*

Ordinary  
residence of  
members of  
regular  
forces.

(2) Before the dissolution of the 21st Parliament or before the expiration of two months from the day on which the *Canadian Forces Act, 1953*, was assented to, whichever is the earlier, every member of the regular forces who was such a member on the 21st day of June, 1952, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence

(a) the city, town, village, or other place in Canada, with street address, if any, in which is situated the residence of a person who is the spouse, dependant, relative or next of kin of such member; or

(b) the city, town, village, or other place in Canada, with street address, if any, where such member is residing as a result of the services performed by him or her in such forces; or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her place of ordinary residence prior to enrolment;



but where the member is serving outside Canada or in a ship and none of the foregoing clauses (a), (b) or (c) is applicable to him or her, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, where he or she resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada or in a ship, as the case may be.

(3) After the 21st day of December 1951,

Ordinary residence on enrolment in regular forces.

(a) every person shall, forthwith upon his or her enrolment in the regular forces of the Canadian Forces, complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, village or other place in Canada in which was situated his or her place of ordinary residence immediately prior to enrolment; and

(b) a person, not having a place of ordinary residence in Canada immediately prior to enrolment in the regular forces of the Canadian Forces, shall complete, as soon as one or more of the provisions of subparagraph (2) become applicable to his or her circumstances, a statement of ordinary residence in Form No. 15 before a commissioned officer.

(4) A member of the regular forces may, during the month of December in any year and at no other time,

Change of ordinary residence and statement of ordinary residence when not previously completed.

(a) except when he or she is also a member of the active service forces of the Canadian Forces, change his or her place of ordinary residence to the city, town, village or other place in Canada referred to in clause (a), (b) or (c) of subparagraph (2) by completing, in duplicate, before a commissioned officer a statement of change of ordinary residence, in Form No. 17, and

(b) if he or she has failed to complete a statement of ordinary residence mentioned in subparagraph (2) or (3), complete such statement of ordinary residence either in Form No. 15 or Form No. 16.

(5) Every member of the reserve forces of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on full-time training or service shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18 indicating the city, town, village or other place in Canada where his or her place of ordinary residence was situated immediately prior to commencement of such period of full-time training or service.

Ordinary residence of member of reserve forces on full-time service.

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service and who during a current period of full-time training or service has not completed a statement of ordinary residence pursuant to sub-

Ordinary residence of member of reserve forces on active service.

paragraph (5) shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18, in which will be stated

- (a) in the case of a member on full-time training or service, his or her place of ordinary residence immediately prior to the commencement of such full-time training or service; or
- (b) in the case of a member not on full-time training or service, his or her place of ordinary residence immediately prior to being placed on active service.

Ordinary residence on enrolment in active service forces.

(7) On enrolment in the active service forces of the Canadian Forces, every person who is not a member of the regular or reserve forces shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 16 indicating the city, town, village or other place in Canada in which is situated his or her place of ordinary residence immediately prior to enrolment in the active service forces.

Filing of statements.

(8) The original of each statement of ordinary residence or statement of change of ordinary residence completed pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents.

\* \* \* \*

#### QUALIFICATIONS OF VETERAN ELECTORS.

Qualifications.

41. Except as hereinafter provided, every person, irrespective of age, who

- (a) is a Canadian citizen or other British subject;
- (b) has been ordinarily residing in Canada during the twelve months immediately preceding polling day;
- (c) was a member of His Majesty's Forces during World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the 9th day of September, 1950;
- (d) has been discharged from such forces; and
- (e) is receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs or is receiving treatment or domiciliary care in another hospital or institution at the request or on behalf of the said Department;

shall be deemed to be a Canadian Forces elector and entitled to vote at the general election under the procedure set forth in these Regulations; for the purpose of these Regulations, the above mentioned persons shall be known as Veteran electors.

Veteran electors.

\* \* \* \*

## VOTING BY CANADIAN FORCES ELECTORS AS CIVILIANS.

23. Every Canadian Forces elector, as defined in paragraph 20, is entitled to vote at a general election only according to the procedure set forth in these Regulations, unless such elector is, on polling day, at the place of his or her ordinary residence, as shown on the statement made by the elector under paragraph 22, in which case the Canadian Forces elector may vote as a civilian elector, subject to the limitation set out in paragraph 39.

Voting by  
Canadian  
Forces  
electors.

\* \* \* \*

39. (1) A member of the Canadian Forces who

(a) has completed a statement of ordinary residence as provided in paragraph 22, and

(b) has not voted under the procedure set forth in these Regulations,

Canadian  
Forces  
elector  
voting as  
civilian.

may cast his vote at the place of his ordinary residence as shown on such statement in the manner prescribed in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to entitle a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll.

\* \* \* \*

## SCHEDULE FOUR

List of electoral districts in which nomination day is the twenty-eighth day before polling day.

*Province of Ontario*

Cochrane  
Kenora-Rainy River  
Port Arthur

*Province of Saskatchewan*

Mackenzie  
Meadow Lake  
Prince Albert

*Province of Quebec*

Chapleau  
Saguenay

*Province of Alberta*

Athabasca  
Jasper-Edson  
Peace River

*Province of Newfoundland*

Bonavista-Twillingate  
Burin-Burgeo  
Grand Falls-White Bay-  
Labrador  
Humber-St. George's  
Trinity-Conception

*Province of British*

*Columbia*  
Cariboo  
Skeena

*Yukon Territory*

Yukon

*Province of Manitoba*

Churchill

*Northwest Territories*

Mackenzie River.

\* \* \* \*





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